

## REMARKS

In response to the Office Action of December 20, 2004 received in the above-referenced patent application, consideration of the following remarks is respectfully requested.. Applicants have carefully reviewed the arguments presented in the Office Action and respectfully request reconsideration of the claims in view of the remarks presented below.

Claims 33-48 remain pending. Reconsideration of the application is respectfully requested.

Claims 33, 34 and 48 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,165,195. An appropriate terminal disclaimer is submitted in response in order to overcome the rejection.

Claims 33, 34 and 48 were rejected under 35 U.S.C. § 102(e) as anticipated by Richter et al. (U.S. Patent No. 5,755,734). The Examiner asserts that the claimed invention is shown in Figures 13-20 of the reference. Applicants respectfully traverse. While the cited reference describes a delivery system that relies on two separate balloons (175, 176) with two separate catheters and guide wire lumens (170, 171), the catheter assembly of the present invention as claimed relies on a single expandable member and requires the positioning guide wire lumen to be associated with the expandable member. Anticipation is therefore clearly avoided. Moreover, in view of the ability of the claimed device to position and deliver a bifurcated stent with less balloons than is taught by the cited reference, it is respectfully submitted that obviousness is similarly avoided.


The finding of allowable subject matter in claims 35-47 is gratefully acknowledged.

In view of the foregoing, it is respectfully urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at (310) 824-5555 to facilitate prosecution of this application, if necessary.

In light of the above amendments and remarks, applicants earnestly believe the application to now be allowable and respectfully request that it be passed to issue.

Respectfully submitted,

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